



Investigation Files #17-04-001
#17-05-055
#17-07-180
#17-08-191
#17-09-052
#17-11-142
#17-11-265
#18-02-189
#18-03-253
#18-04-301
Undertaking File #18-04-010

UNDERTAKING

IN THE MATTER OF THE *MOTOR DEALER ACT R.S.B.C. 1996 c. 316* and the *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT S.B.C. 2004, c. 2*

THIS UNDERTAKING is made, jointly and severally, with an effective date of August 20, 2018, by:

PIONEER GARAGE LIMITED ("Pioneer")

AND

PIONEER GARAGE LIMITED dba Driveco Motors (#40233), Fraser Valley Pre-Owned (#40190), Pioneer Chrysler Jeep (#5224), Pioneer Motor Group (#40213), Pioneer Motor Group (#40193), (collectively and individually, the "Dealers")

AND

RAYMOND VAN EMPEL (#110650), ("the Dealer Principal")

WHEREAS:

1. The Dealers are owned and operated by Pioneer, and are "registered motor dealer[s]" as defined under the Motor Dealer Act R.S.B.C. 1996 c. 316 ("MDA").
2. The Dealer Principal is the owner of and guiding mind behind Pioneer and the Dealers, and is a "salesperson" as defined under the MDA.
3. The Dealer Principal acknowledges and affirms that he speaks for and acts on behalf of, and can legally bind, himself, Pioneer, and each of the Dealers.
4. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, is responsible for the administration and enforcement of the MDA, its

regulations, and prescribed provisions of the Business Practices and Consumer Protection Act S.B.C. 2004 c. 2 (the "BPCPA").

5. The Dealer Principal, Pioneer, and the Dealers each acknowledge and accept the findings and outcome set forth in the Registrar's Decision in the Webster vs. Pioneer matter, Hearing # 17-07-002, Neutral Citation 2017-BCRMD-013, including the assessment of costs, administrative penalties, suspension of registration, and conditions on registration.
6. The Dealer Principal, Pioneer, and the Dealers each acknowledge and affirm that they will not seek Judicial Review of the Registrar's Decision in Webster.
7. The Dealer Principal, Pioneer, and the Dealers each acknowledge and accept that similar assessments of costs and penalties are warranted in light of the conduct articulated below.
8. To wit: the Registrar has investigated and received information that the Dealers have, on numerous occasions, made oral, written, visual, descriptive or other representations, and/or engaged in conduct, that had the capability, tendency, or effect of deceiving or misleading consumers.
9. Said investigation and information have given rise to the following Investigation Files with the VSA: #17-04-001, #17-05-055, #17-07-180, #17-08-191, #17-09-052, #17-11-142, #17-11-265, #18-02-189, #18-03-253, and #18-04-301.
10. The conduct of the Dealers was both deliberate and calculated to deceive and mislead consumers.
11. Moreover, by engaging in this conduct, certain of the Dealers have breached the terms of certain Undertakings made on April 15, 2016 in VSA Hearing File 15-09-001, on May 25, 2016 in VSA Hearing File 16-05-001, and on September 27, 2016 in VSA Hearing File 16-05-005.
12. The Dealer Principal, Pioneer, and the Dealers each acknowledge and accept that this Undertaking is intended to address and conclude the compliance actions, currently being pursued, with respect to the Investigations Files referenced in Paragraph 8, above.

NOW THEREFORE The Dealer Principal, Pioneer, and the Dealers each undertake, for themselves, individually and collectively, and on behalf of any other dealer that may in future be registered to The Dealer Principal and/or Pioneer:

13. To comply with the MDA, the MVA, BPCPA, and the regulations made thereunder;

14. To ensure all consumers receive a copy of the purchase agreement, any finance documents, or any other document on which the consumer signs and at the time any such document is signed by that consumer;
15. Not to falsify any document or any information about a consumer in respect of a consumer transaction;
16. Not to falsify any motor vehicle purchase prices, down-payments, or any other terms on such documents;
17. Not to charge a documentation fee to a consumer, exceeding \$700, without first providing the consumer an itemized list of all the costs associated with that documentation fee and providing the consumer a copy of that itemized list at the time the consumer transaction is completed;
18. To ensure that all motor vehicles that are sold, offered for sale, exposed or displayed for sale, or delivered to consumers comply with the Motor Vehicle Act R.S.B.C. 1996, c. 318, and attendant regulations, including but not limited to thoroughly inspecting said motor vehicles;
19. To keep records of all such inspections at the Dealers' registered businesses location as required by the MDA and attendant regulations;
20. To pay an Administrative Penalty in the amount of \$25,000.00 for the Dealers' contraventions of the BPCPA;
21. To pay \$12,000.00 in Administrative Penalties for each of the three Undertakings, which have been contravened, for a total of \$36,000.00;
22. To reimburse the Registrar a total 100% of the investigation, hearing, and legal costs incurred to date in relation to the subject matter of this Undertaking within thirty (30) days of the execution of this Undertaking, said costs to be assessed and invoiced at a later date;

THE DEALER PRINCIPAL, PIONEER AND THE DEALERS FURTHER ACKNOWLEDGE, REPRESENT AND DECLARE:

23. That in addition to rendering the Dealers and The Dealer Principal liable to further penalties and proceedings as provided for under the BPCPA, it is an offence under the BPCPA to fail to comply with any part of this undertaking that has not been previously terminated;
24. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and

25. The Dealer Principal, Pioneer, and the Dealers have each read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as its terms.

DATED this 31st day of July, 2018

Dealer: Raymond Van Empel (#110650)

Signature: _____
Original Signed
For and on behalf of the Dealer Principal,
Pioneer, and the Dealers

ACCEPTED by the Registrar of Motor Dealers this
20th day of August 2018

Original Signed
Claire Hunter
Acting Registrar of Motor Dealers